

**REVISED Minutes of July 27, 2005 ADALB meeting held in Marlboro, MA**

Present: Chairman Gilbert Cox

Members: Bruce King, Donald Spinelli, Stephen Tague and Joe Valariotti,

Attorney for the Board and Acting Secretary: Richard A. Cody

The meeting was recorded by Commerce Insurance Company – Audio/Video.

**Approval of Minutes**

Motion by Mr. Valariotti to accept minutes of prior meeting held in June, 2005. Seconded by Mr. Spinelli. Passed 4-0.

**Report on licenses**

Richard Cody reported:

1695 active licenses

3400 pending renewal

10 new applications were processed

33 individuals passed Part I and are on the waiting list for Part II

The Chairman asked that a date be set for Part II of the licensing examination when Ms. Torres, Secretary to the Board, is available.

**Complaints**

The Board considered the complaint of Dean Luther, Carlisle Auto Body v. T.J. Dickson and William Rand (2005-05).

Mr. Valariotti moved that this matter proceed to an informal hearing in August. The motion was seconded by Mr. Spinelli and approved by a vote of 4 to 0.

The Board then considered the complaint of Wilson Associates v. C&J Auto Body (2005-09). Mr. Valariotti moved that this matter proceed to an informal hearing in August. The motion was seconded by Mr. Tague and approved by a vote of 4 to 0.

**Other Requests and Discussion**

Peter J. McCue, Esq., counsel to Commerce Insurance Company and a number of individual appraisers, addressed the Board regarding the procedures employed by the Board in processing complaints.

The Board next considered the procedures employed by its staff on receipt of a complaint against a licensee. It was the ruling of the Board that in the future, the staff should respond to each complaint by forwarding the complaint on for response together with a cover letter which requests an answer within thirty days and which further states that failure to respond within thirty days could lead to an informal hearing (without the benefit of a response) or to a default.

The Chairman clarified this point by stating that after the passage of 30 days from the date staff sends out the complaint, the matter will move to Stage 2 whether the complaint has been answered or not.

The Board next considered the letter dated July 29, 2005, from the Massachusetts Auto Body Association (“MABA”) regarding the timing on complaints received by the Board. It was the sense of the Board that the new procedure on complaints satisfied most of MABA’s concerns and that no formal response was necessary.

The Board considered a revised ruling on paint and materials. After discussion, it was moved by Mr. Valariotti and seconded by Mr. Tague that the Advisory Ruling of 97-98-1 be sent to all licensees. The motion carried by a vote of 3-1. The Board directed the staff to prepare an accompanying letter from the Board indicating that the present Board endorses this Advisory Ruling. The discussion of structural should be regarded as the same. Joe ruled and Bruce seconded.

The Board also directed after a motion made by Mr. King and seconded by Mr. Valariotti, that another letter accompany the advisory ruling stating that the Board has reviewed the issue of P&M in the regulation and concurs with the past advisory ruling 97-98-1. Passed 4-0.

The Board next considered a letter from Mr. Thomas Colo dated July 15, 2005. In his letter, Mr. Colo requests the Board to state its position regarding G.L. c. 26 and 212 CMR 2.02(5) that any appraiser who writes an auto damage report or an auto damage appraisal shall do so under the penalties of perjury. The Chairman requested that this matter be placed on the agenda for the August meeting and requested counsel to the Board to determine what, exactly, constitutes an oath.

The Board requested the staff to look into the feasibility of creation an Auto Damage Appraisers’ Licensing Board website and report back at the August meeting.

The Board reviewed an agenda item regarding the complaint of Crawford and Company regarding heavy equipment repair. The Board asked that this inquiry be put in the form of a written complaint.

### **Licensing Matters**

Don Spinelli recused himself from discussion on this matter. The Board requested staff to advise Brian D. Starkweather that no licensing reciprocity is allowed and the licensing test will be required.

The Board authorized William Bergstrom’s request to receive the license number of his late father.

The Board then took a number of written questions from the floor.

### **Future Meeting Date**

The next meeting will be held on August 23 at Assabet Valley High School in Marlboro, MA.